Court No.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

(1) Civil Misc.Writ Petition No. 682 (S/B) of 2002

Dharmendra Singh Rawat. .... Petitioner

Versus

State of Uttaranchal through
Chief Secretary and two others .... Respondents

AND

(2) Civil Misc.Writ Petition No.730 (S/B) of 2002

(1) Mangal Singh
(2) Satyapal Singh ....

Petitioners

Versus

State of Uttaranchal through
Chief Secretary and another .... Respondents

.....

Hon'ble P.C.Verma,J.

These petitioners were appointed as Seasonal Collection Peons as the regular Collection Peons Sarwasri Bhajan Singh, Chaturbhuj Prasad and Gopi Singh were transferred from respective Tehsils to Collectorate on account of shortage of peons in Collectorate and there was ban on the fresh recruitment.

By the impugned order, the services of the petitioners have been terminated for the reason that Bhajan Singh, Chaturbhuj Prasad and Gopi Singh were sent back as Collection Peons to the respective Tehsils. From perusal of the impugned order as well as the appointment letters together it is evident that the above named persons were regularly appointed as Collection Peons. They were holding the post of Collection peons substantively while the petitioners were appointed as Seasonal Collection Peons. Therefore, Bhajan

Singh, Chaturbhuj Prasad and Gopi Singh, after coming back from Collectorate would join on their substantive posts, which they were holding Their joining on the posts of Collection Peons did not disturb the appointment of the petitioners and their appointment was to continue from season to season which was sanctioned in every year for every Fasli by the Commissioner. Therefore, the services of the petitioners would not have been terminated during the collection season for which they were appointed on the ground of joining of Bhajan Singh, Chaturbhuj Prasad and Gopi Singh. Thus, the order of termination of services of the petitioners during the collection season suffers from non-application of mind and cannot be sustained in the eye of law. Therefore, the impugned termination orders terminating the services of the petitioners are hereby quashed. Since, that collection season in which the petitioners' services were terminated is over, therefore it is provided that as and when there is sanction by the Commissioner for appointment of Seasonal Collection Peons, the petitioners shall be given appointment before appointing any fresh hand as Seasonal Collection Peon.

With the aforesaid observations, these writ petitions are disposed of finally.

22.09.2003
P.Singh

(P.C. Verma, J.)